



IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Stephen M. Zaudtke et al.

§ Group Art Unit:

Serial No.: 10/682,349

§ § Examiner:

Filed: October 9, 2003

§

For: Communication With A Handheld
Device During Power Up
Initialization Of A System§ Atty. Dkt. No.: 200304323-3
§ (HPC.0038D1US)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT OF ITEM
IDENTIFIED AS MISSING BY NOTICE OF OMITTED ITEM(S)**

Dear Sir:

Applicant respectfully submits that all pages of the specification, including page 34 asserted by the U.S.P.T.O. to be missing, were deposited with the U.S.P.T.O. by Express Mail on October 9, 2003.

Enclosed is a date stamped postcard indicating receipt of 42 pages (including specification, claims and abstract) of the application, along with nine sheets of formal drawings, two pages of the declaration, a preliminary amendment, a request for continuing application, and a postcard. The 42 pages of the application comprises pages 1-42 (34 included).

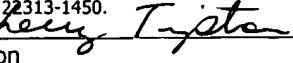
Moreover, the copy of the specification contained in the file of the undersigned attorney includes page 34 (copy of specification in file of the undersigned attorney is attached hereto).

In addition, it is the practice of the undersigned attorney to inspect all patent application paperwork prior to filing with the U.S.P.T.O. In inspecting the patent application paperwork, it is the practice of the undersigned attorney to check all pages of the patent application paperwork just prior to sealing of the Express Mail envelope to ensure all pages of the documents indicated on the postcard are present.

11/15/2004 HAL111 00000029 10682349
01 FC:1460

130.00 OP

Date of Deposit: November 8, 2004
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Sherry Tipton

In view of the foregoing, Applicant has established that page 34 of the specification was in fact deposited with the patent application on October 9, 2003.

Applicant also notes that prior application 09/583,671, of which the present application is a divisional, has been incorporated by reference in the present application. See Preliminary Amendment filed with application on October 9, 2004; Request for Continuing Application filed with application on October 9, 2004 (including a cross-reference to prior application 09/583,671, that incorporates the prior application by reference). The specification submitted in the present application (pages 1-35) is identical to pages 1-35 of the specification of prior application 09/583,671.

In the event that this petition is denied, Applicant reserves the right to add the content of page 34 by amendment in light of the incorporation of prior application 09/583,671 by reference. Such an amendment would not be considered new matter in light of the timely submitted statement of incorporation by reference. See M.P.E.P. (8th Ed., Rev. 2), at 600-85.

Enclosed herewith is the petition fee under 37 C.F.R. 1.17(h). Please apply any charges or credits to Deposit Account No. 20-1504 (HPC.0038D1US).

Date: _____

Nov. 8, 2004

Respectfully submitted,



Dan C. Hu, Registration No. 40,025
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
(713) 468-8880 [Phone]
(713) 468-8883 [Fax]



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/682,349	10/09/2003	Stephen M. Zaudtke	200304323-3



HEWLETT-PACKARD COMPANY
 Intellectual Property Administration
 P.O. Box 272400
 Fort Collins, CO 80527-2400

CONFIRMATION NO. 8750
 FORMALITIES LETTER
 OC000000013752522
 OC000000013752522

Date Mailed: 09/08/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **PAGE 34** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

~~NOVA~~
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 200304323-3 (HPC.0038D1US)
Date: October 9, 2003

DCH/dlt

The Patent and Trademark Office date stamp sets forth the receipt date (or both the receive date and the serial no.) of a patent application identified as follows:

Applicant(s): STEPHEN M. ZAUDTKE, ANDREW BROWN, AND DOUGLAS R. HASCALL
Serial No.:
Filing Date:
Title: COMMUNICATION WITH A HANDHELD DEVICE DURING POWER UP INITIALIZATION OF A SYSTEM

1. Request for Continuing Application Under 37 CFR 1.53(b) (in duplicate);
2. Application for United States Letters Patent (including specification, claims and abstract) 42 pages;
3. 9 sheets of formal drawings; 03917 U.S. PTO
4. Copy of Declaration (2 pages); 10/682349
5. Preliminary Amendment; and
6. Postcard.

03917 U.S. PTO
10/682349

A standard linear barcode is positioned above the number 100903.

Express Mail No.: EL 990137239 US

Entity: Large

RECEIVED
OCT 23 2003

Trop, Pruner, & Hu, P.C.

DOCKET INFORMATION

Base Rate: _____
Due Date: _____
Action: _____

Docket Excel Access
 Pat. App Abst./Title Pg Draw. **I/F**